

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 2547 of 1996****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARTIBEN A DESAI - Petitioner(s)**Versus****KAMESHWAR KELAVANI MANDAL & 2 - Respondent(s)**

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Appearance :

MR KS ACHARYA for Petitioner(s) : 1,
MR MUKUND M DESAI for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,
NOTICE UNSERVED for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 05/04/2007****ORAL JUDGMENT**

1. This Special Civil Application is filed under Articles 226 and 227 of the Constitution of India for quashing and setting aside the order dated 17.11.1995 passed by the Gujarat Primary Education Tribunal,

Ahmedabad in Application No. 209 of 1992 in so far as not treating the petitioner as trainee teacher and not paying the salary to the petitioner as trainee teacher.

2. It is admitted position that the qualification of the petitioner is S.S.C./ Diploma in Education (D.E.) and the qualification which is required for the post of primary teacher is P.T.C. The question which is involved in the present Special Civil Application is directly covered by the recent decision by the Full Bench of this Court in the case of ***Sudip Tripathi V/s. State of Gujarat*** reported in ***2007(1) GLH 590*** and the Full Bench of this Court has held that only those candidates having qualification of P.T.C. are required to consider as Trainee Teacher and can be considered to be eligible for appointment as teachers in primary section of elementary education i.e. Classes I to V.

3. Considering above, it cannot be said that the Tribunal has committed as error in not treating the petitioner as Trainee Teacher.

4. For the reasons stated above, the petition fails. Rule discharged. No costs.

[M.R.Shah, J.]

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